

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460



OFFICE OF AIR AND RADIATION

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear [REDACTED]:

EPA has finalized its review of your appeal to the [REDACTED] determination that [REDACTED] [REDACTED] would be disqualified from ENERGY STAR and determined that [REDACTED] [REDACTED] will be disqualified. EPA denied [REDACTED] initial [REDACTED] dispute in which it asserted that [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

EPA subsequently considered your [REDACTED] appeal in which you asserted that [REDACTED]

[REDACTED]  
[REDACTED]

In its case review, EPA conducted an additional technical review, met with NFRC staff, sought and reviewed additional information that you provided [REDACTED], and did not find a basis for reversing the disqualification.

On [REDACTED] NFRC formally submitted to EPA a testing failure report for [REDACTED] [REDACTED] that initiated the disqualification process for this product. Since that time, NFRC has confirmed that no lab or testing error occurred, and that the test report accurately reflects testing performed on the unit. EPA does consider additional testing when a lab error or testing irregularity has occurred, that negates or casts doubt as to the validity of the initial verification testing. In this case, neither the lab nor the NFRC indicate that an error occurred, nor did [REDACTED] provide evidence to support a claim that it did. With respect to ENERGY STAR, NFRC did not "vacate" or withdraw its referral to EPA; rather, it allowed additional testing for purposes of NFRC procedures, and has subsequently re-affirmed the accuracy of the product referral. With respect to ENERGY STAR, irrespective of ancillary product testing, failed verification testing results remain relevant for certified products. In this instance, additional testing of separately manufactured units did not address the reason for glass collapse on the NFRC-tested unit. On this basis, EPA is proceeding with disqualification of [REDACTED]

[REDACTED]

Organizations responsible for ENERGY STAR products that are disqualified through ENERGY STAR verification testing are required to submit confirmation of product control measures ("PCM") taken to control the sale, distribution and promotion of the affected units in the marketplace.

██████████ submittal of PCM is due by September 29, 2016, and should be made using the standard Partner Response Form ("PRF") available at [www.energystar.gov/prfnd](http://www.energystar.gov/prfnd). Upon review of ██████████ proposed PCM, EPA will notify ██████████ whether they are acceptable. If ██████████ seeks to deviate from the proposed PCM, it must notify EPA prior to doing so.

Please submit ██████████ completed PRF and any supporting documentation to [enforcement@energystar.gov](mailto:enforcement@energystar.gov). **All communication regarding this notice must include the appropriate case number (WDS01-2015-01) in the subject line.**

As the ENERGY STAR name and logo are registered marks belonging to the U.S. government, EPA must ensure they are used correctly to protect the integrity of the program they represent. Any partner that uses the name and/or logo improperly and fails to take product control measures per EPA's request may be subject to termination of its ENERGY STAR Partnership Agreement, and referred to EPA's Office of General Counsel.

Thank you for your prompt attention to this matter and your continued support of the ENERGY STAR program.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann Bailey".

Ann Bailey, Chief  
ENERGY STAR Labeling Branch  
U.S. Environmental Protection Agency